

FILED

JUL 17 2006

BANKRUPTCY COURT
OAKLAND, CALIFORNIA

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re:)
) Case No. 04-45521 RJN
Michael James Chaput)
)
) Chapter 7
)
Debtors) **ORDER TO PAY UNCLAIMED FUNDS**
)
_____)

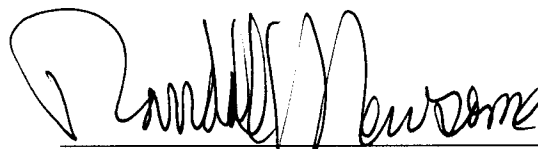
It appearing that the check(s) made payable to CA-Emeryville Properties Limited Partnership in the total amount of \$8,541.24 was not cashed within the 90 day limit and an unclaimed money report was entered on October 24, 2005 to close the account and transfer the monies to the Clerk, U. S. Bankruptcy Court, for deposit with the U.S. Treasury or the designated local depository, and

It further appearing that CA-Emeryville Properties Limited Partnership is now claiming the above monies in the application attached hereto.

IT IS ORDERED that the Clerk of the Bankruptcy Court pay said sum of \$8,541.24 to the order of CA-Emeryville Properties Limited Partnership, Attn: Matthew H. Koritz, VP Litigation Counsel, Two North Riverside Plaza, Suite 2100, Chicago, IL 60606.

Dated

7/16/06


UNITED STATES BANKRUPTCY JUDGE

May 9, 2006

United States Bankruptcy Court
Post Office Box 7341
San Francisco, CA 94120-7341
Attention: Toni Taylor

RE: *In re Chaput, Michael James*
Case No. 04-45521 RJN

Dear Ms. Taylor:

Enclosed please find a copy of certain documents that relate to a distribution in the amount of \$8,541.24, that CA-Emeryville Properties Limited Partnership ("CA-Emeryville") was to have received. Also enclosed is the original distribution check that was lost for some time and just recently discovered.

This is a request that another distribution check be issued to CA-Emeryville and sent to my attention at the address noted below. The information contained in this letter is true and correct under penalty of perjury.

Please contact me with any questions. Thank you.

Sincerely,



Matthew H. Koritz
Vice-President
Litigation Counsel

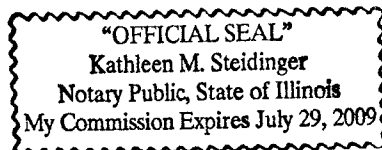
Subscribed and Sworn before me this 9th day of May 2006.

Notary Public Kathleen M. Steidinger

My commission expires on July 29, 2009.

Enclosures

cc: U.S. Attorney for the Northern District of California



Writer's Direct Dial
312.466.3445**Writer's Direct Fax**
312.775.6574**Writer's E-mail address**
Matt_Koritz@equityoffice.com

May 30, 2006

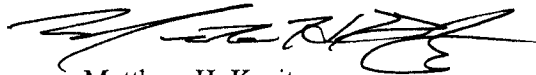
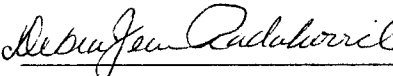
United States Bankruptcy Court
Post Office Box 7341
San Francisco, CA 94120-7341
Attention: Toni Taylor**RE: *In re Chaput, Michael James***
Case No. 04-45521 RJN

Dear Ms. Taylor:

Per your enclosed May 16th letter, please note that the check should be issued to CA-Emeryville and sent to my attention at the address noted below. Also enclosed is the additional information you requested.

Please contact me with any questions. Thank you.

Sincerely,

Matthew H. Koritz
Vice-President
Litigation CounselSubscribed and Sworn before me this 30th day of May 2006.Notary Public My commission expires on 4/22/2010.

Enclosures

cc: U.S. Attorney for the Northern District of California





Equity Office

Matthew H. Koritz

Vice President, Legal
phone 312.466.3445
fax 312.454.0752
matt_koritz@equityoffice.com

Equity Office

Two North Riverside Plaza, Suite 2100
Chicago, Illinois 60606
phone 312.466.3300
www.equityoffice.com

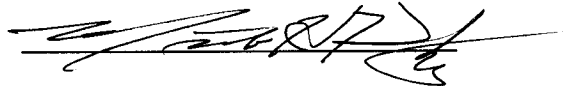
Secretary's Certificate

I, **Robin Mariella**, hereby certify that I am the duly elected and acting Assistant Secretary of Equity Office Management, L.L.C., a Delaware limited liability company ("EOM"), and hereby certify as follows:

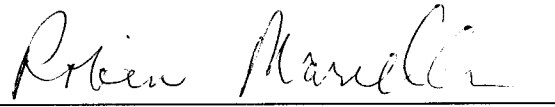
1. That EOM is the non-member manager of EOM GP, L.L.C., a Delaware limited liability company, which is the general partner of **CA-EMERYVILLE PROPERTIES LIMITED PARTNERSHIP, a Delaware limited partnership** ("CA-Emeryville"), and in such capacity has full power and authority to take all actions deemed necessary or desirable by CA-Emeryville to conduct the business of CA-Emeryville including, but not limited to, making an application claiming funds, to the Bankruptcy Court for the Northern District of California in the Michael James Chaput Chapter 7 matter (Case No. 04-45521 RJN).

2. As of the date hereof, (i) **MATTHEW H. KORITZ** is the duly elected and qualified **Vice President – Legal** of EOM and in such capacity is authorized to execute and deliver any legal documents related thereto on behalf of EOM, and (ii) the signature appearing opposite of his name below is his genuine signature.

MATTHEW H. KORITZ



IN WITNESS WHEREOF, I have executed this certificate as Assistant Secretary of EOM this ____ day of May 2006.



Robin Mariella
Assistant Secretary

Paul J Mansdorf, Trustee
4071 San Pablo Dam Road
#433
El Sobrante, CA 94803
Telephone: (510) 262-0745

Trustee in Bankruptcy

FILED

OCT 24 2005

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA – Oakland

In re:

CHAPUT, MICHAEL JAMES

Debtor(s)

Case No. 04-45521 RJN

Chapter 7

NOTICE OF UNCLAIMED
DIVIDENDS


TO THE CLERK, UNITED STATES BANKRUPTCY COURT:

Pursuant to Federal Rule 3011, the trustee in the above-captioned case hereby turns over to the Court, unclaimed dividends in the amount of \$8,541.24. The name(s) and address(es) of the claimants entitled to the unclaimed dividends are as follows:

Claim #	Name & Address of Claimant	Claim Amount	Dividend Amount
3	CA-Emeryville Properties Limited Partnership 2 North Riverside Plaza #1600, Chicago, IL 60606	201,292.72	8,541.24

Total Unclaimed Dividends \$8,541.24

Dated: October 19, 2005


Paul J Mansdorf, TRUSTEE



4 New York Plaza, 17th Floor, New York, NY 10004

Case

04-45521 RJN

312981681966

Dividend paid 4.24% on \$201,292.72; Claim# 3; Filed: \$201,292.72; Reference:

Estate of

CHAPUT, MICHAEL JAMES

TRD #007400

Paul J Mansdorf, Trustee
4071 San Pablo Dam Road
#433
El Sobrante CA 94803

Date 06/16/2005

\$ *****8,541.24

~~~Eight Thousand Five Hundred Forty-One Dollars and 24/100

Pay to the  
Order of

CA-Emeryville Properties Limited Partnership  
2 North Riverside Plaza #1600  
Chicago IL 60606

Paul J Mansdorf, Trustee

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈000000106⑈ ⑆021000021⑆312981681966⑈

VOID AFTER 90 DAYS

106

1-2/210

300

# Northern District of California Claims Register

**04-45521 Michael James Chaput CASE CLOSED on 01/24/2006**

**Judge:** Randall J. Newsome

**Chapter:** 7

**Office:** Oakland

**Last Date to file claims:**

**Trustee:** Paul Mansdorf

**Last Date to file (Govt):**

|                                                                                                                                               |                                                                              |                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <b>Creditor:</b><br>CA-Emeryville Properties Limited Partnership<br>2 North Riverside Plaza #1600<br>Chicago, IL 60606                        | <b>Claim No: 3</b><br><i>Filed:</i> 02/04/2005<br><i>Entered:</i> 02/07/2005 | <b>Status:</b><br><i>Filed by:</i> CR<br><i>Entered by:</i> rba<br><i>Modified:</i> |
| Unsecured claimed: \$201292.72<br><b>Total        claimed: \$201292.72</b>                                                                    |                                                                              |                                                                                     |
| <b>History:</b><br>3-1    02/04/2005 Claim #3 filed by CA-Emeryville Properties Limited Partnership , total amount claimed: \$201292.72 (rba) |                                                                              |                                                                                     |
| <b>Description:</b>                                                                                                                           |                                                                              |                                                                                     |
| <b>Remarks:</b>                                                                                                                               |                                                                              |                                                                                     |

## Claims Register Summary

**Case Name:** Michael James Chaput

**Case Number:** 04-45521

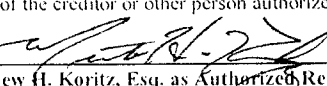
**Chapter:** 7

**Date Filed:** 10/08/2004

**Total Number Of Claims:** 1

|           | Total Amount Claimed | Total Amount Allowed |
|-----------|----------------------|----------------------|
| Unsecured | \$201292.72          |                      |
| Secured   |                      |                      |
| Priority  |                      |                      |
|           |                      |                      |



| United States Bankruptcy Court<br>Northern District of California                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                       | PROOF OF CLAIM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                           |           |               |                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-----------|---------------|-----------------------------------------------------------------------------------------------------------|
| In re (Name of Debtor) <b>Chaput, Michael James</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                       | Case Number <b>04-45521 RN 7</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                           |           |               |                                                                                                           |
| NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A Request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                           |           |               |                                                                                                           |
| Name of Creditor <b>CA-Emeryville Properties Limited Partnership</b><br>(The person or other entity to whom the debtor owes money or property)                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars<br><br><input checked="" type="checkbox"/> Check Box if you have never received any notices from the bankruptcy court in this case<br><br><input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court                                                                                                                                                                                                                                                                                                                                                        |                                                                                                           |           |               |                                                                                                           |
| Name and Address where Notices Should be Sent<br><b>CA-Emeryville Properties Limited Partnership</b><br><b>Two North Riverside Plaza – Suite 1600</b><br><b>Chicago, Illinois 60606</b><br><b>ATTN: Matthew H. Koritz, Esq.</b><br><br>Telephone No. <b>(312) 466-3300</b>                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                           |           |               |                                                                                                           |
| ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR:<br><b>PCS Networks, Inc.</b>                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> replaces<br><input type="checkbox"/> amends<br>Check here if this claim a previously filed claim, dated:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                           |           |               |                                                                                                           |
| 1. BASIS FOR CLAIM<br><input type="checkbox"/> Goods sold<br><input type="checkbox"/> Services performed<br><input type="checkbox"/> Money loaned<br><input type="checkbox"/> Personal injury/wrongful death<br><input type="checkbox"/> Taxes<br><input checked="" type="checkbox"/> Other (Describe briefly) <b>Personal guaranty by Debtor of Office Lease</b>                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a)<br><input type="checkbox"/> Wages, salaries, and compensation (Fill out below)<br>Your social security number _____<br>Unpaid compensation for services performed from _____ to _____ (date) (date)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                           |           |               |                                                                                                           |
| 2. DATE DEBT WAS INCURRED <b>VARIOUS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                       | 3. IF COURT JUDGMENT, DATE OBTAINED:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                           |           |               |                                                                                                           |
| 4. CLASSIFICATION OF CLAIM. Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured nonpriority, (2) Unsecured Priority, (3) Secured. It is possible for part of a claim to be in one category and part in another.<br>CHECK THE APPROPRIATE BOX OR BOXES that best describe your claim and STATE THE AMOUNT OF THE CLAIM AT THE TIME CASE FILED.                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                           |           |               |                                                                                                           |
| <input type="checkbox"/> SECURED CLAIM S<br>Attach evidence of perfection of security interest<br>Brief Description of Collateral:<br><input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other (Describe briefly)<br><br>Amount of arrearage and other charges at time case filed included in secured claim above, if any \$                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> UNSECURED PRIORITY CLAIM S<br>Specify the priority of the claim.<br><br><input type="checkbox"/> Wages, salaries, or commissions (up to \$2000), earned not more than 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier—11 U.S.C. § 507(a)(3)<br><input type="checkbox"/> Contributions to an employee benefit plan—11 U.S.C. § 507(a)(4)<br><input type="checkbox"/> Up to \$900 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use—11 U.S.C. § 507(a)(6)<br><input type="checkbox"/> Taxes or penalties of governmental units—11 U.S.C. § 507(a)(7)<br><input type="checkbox"/> Other—Specify applicable paragraph of 11 U.S.C. § 507(a) |                                                                                                           |           |               |                                                                                                           |
| <input checked="" type="checkbox"/> UNSECURED NONPRIORITY CLAIM \$201,292.72<br>A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                           |           |               |                                                                                                           |
| 5. TOTAL AMOUNT OF CLAIM AT TIME CASE FILED: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center;">\$ <u>201,292.72</u><br/>(Unsecured)</td> <td style="width: 25%; text-align: center;">(Secured)</td> <td style="width: 25%; text-align: center;">\$ (Priority)</td> <td style="width: 25%; text-align: center;"> <div style="border: 1px solid black; padding: 2px;"> <b>\$201,292.72</b><br/>(Total)               </div> </td> </tr> </table> |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$ <u>201,292.72</u><br>(Unsecured)                                                                       | (Secured) | \$ (Priority) | <div style="border: 1px solid black; padding: 2px;"> <b>\$201,292.72</b><br/>(Total)               </div> |
| \$ <u>201,292.72</u><br>(Unsecured)                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | (Secured)                                                                                                                                                                                                                                                                                                                                             | \$ (Priority)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <div style="border: 1px solid black; padding: 2px;"> <b>\$201,292.72</b><br/>(Total)               </div> |           |               |                                                                                                           |
| <input checked="" type="checkbox"/> Check this box if claim includes charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                           |           |               |                                                                                                           |
| 6. CREDITS AND SETOFFS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor.                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                       | THIS SPACE IS FOR<br>COURT USE ONLY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                           |           |               |                                                                                                           |
| 7. SUPPORTING DOCUMENTS: <u>Attach copies of supporting documents</u> , such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                           |           |               |                                                                                                           |
| 8. TIME-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                           |           |               |                                                                                                           |
| Date<br><b>2/3/05</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)<br><div style="text-align: center;"> <br/> <b>Matthew H. Koritz, Esq. as Authorized Representative</b> </div> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                           |           |               |                                                                                                           |

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

CA Emeryville Properties Limited Partnership as Successor-in-Interest to Spieker Properties, L.P. ("EOP") is the landlord and lessor of certain realty as described in the Watergate Office Lease, Partial Lease Termination Agreement and First Amendment to Lease (collectively, the "Lease") attached hereto. Said Lease was entered into with PCS Networks, Inc. Concurrently, Michael J. Chaput ("Chaput"), the Debtor herein, executed a Continuing Lease Guaranty, which unconditionally guaranteed performance of any and all obligations under the Lease. EOP obtained legal possession of the space effective 4/16/2004. The Lease expired on 8/30/2004.

**Prepetition Damages:**

|                                    |             |
|------------------------------------|-------------|
| 12/1/2003 rent                     | \$3,572.01  |
| 12/1/2003 escalations              | \$2,155.99  |
| 1/1/2004 rent                      | \$21,479.17 |
| 1/1/2004 escalations               | \$2,155.99  |
| 2/1/2004 rent                      | \$21,479.17 |
| 2/1/2004 escalations               | \$2,155.99  |
| 2/1/2004 late fee                  | \$1,181.76  |
| 3/1/2004 rent                      | \$21,479.17 |
| 3/1/2004 escalations               | \$2,155.99  |
| 3/1/2004 late fee                  | \$1,181.76  |
| 3/1/2004 keys                      | \$25.00     |
| 4/1/2004 rent                      | \$21,479.17 |
| 4/1/2004 escalations               | \$2,581.71  |
| 5/1/2004 rent                      | \$21,479.17 |
| 5/1/2004 escalations               | \$2,581.71  |
| 6/1/2004 escalation reconciliation | \$53.58     |
| 6/1/2004 rent                      | \$21,479.17 |
| 6/1/2004 escalations               | \$2,581.71  |
| 6/1/2004 elevator charge           | \$354.64    |
| 7/1/2004 rent                      | \$21,479.17 |
| 7/1/2004 escalations               | \$2,581.71  |
| 7/1/2004 elevator charges          | \$704.08    |
| 8/1/2004 rent                      | \$22,333.19 |
| 8/1/2004 escalations               | \$2,581.71  |

**TOTAL PREPETITION: \$201,292.72**

EOP reserves all of its rights to amend and modify its Proof of Claim, including to increase the amount due to it if additional amounts of debt relating to this transaction are subsequently discovered or inappropriate credit has been given the Debtor.

The filing of this Proof of Claim shall not constitute a waiver of EOP's right to a trial by jury and EOP hereby reserves its right to a trial by jury in any dispute that may arise between it and the Debtor, either involving this Proof of Claim or otherwise.

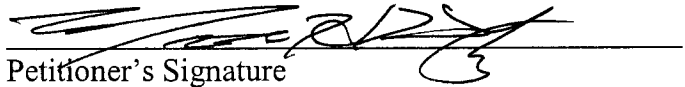
IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND

|                       |   |                          |
|-----------------------|---|--------------------------|
| In re:                | ) | Case No. 04-45521 RJN    |
|                       | ) |                          |
| CHAPUT, MICHAEL JAMES | ) | Chapter 7                |
|                       | ) |                          |
| Debtor                | ) | <b>NOTICE OF SERVICE</b> |
|                       | ) |                          |

---

Notice is hereby given to the court that on May 30<sup>th</sup>, 2006, a copy of this application, claiming funds on behalf of creditor CA-Emeryville Properties Limited Partnership, was mailed to the U.S. Attorney for the Northern District of California, 450 Golden Gate Avenue, Post Office Box 36055, San Francisco, California 94102.

I certify that the foregoing is true and correct under penalty of perjury.

  
Petitioner's Signature

Matthew H. Koritz, as Authorized Agent